

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN
AMERICAN CITIZENS, *et al.*,

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Plaintiffs,

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EDDIE BERNICE JOHNSON, *et al.*,

EP-21-CV-00259-DCG-JES-JVB
[Lead Case]

Plaintiff-Intervenors,

&

v.

GREG ABBOTT, *in his official capacity as Governor of the State of Texas, et al.*,

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Defendants.

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All Consolidated Cases

ORDER

On July 6, 2022, this Court ordered the United States to file one of the following two documents by July 15, 2022:

- (1) A notice that the Plaintiffs no longer seek to depose Dade Phelan (Speaker of the Texas House of Representatives); or
- (2) A supplemental response to Speaker Phelan’s motion to quash the plaintiffs’ deposition subpoena setting forth the circumstances that, in the United States’ view, are sufficiently exceptional to justify deposing the Speaker.

ECF No. 409, at 8.

The United States has moved to extend the July 15, 2022 deadline. ECF No. 421.

Speaker Phelan does not oppose the relief the United States requests. *Id.* at 2, 4.¹

The Court therefore **GRANTS** the United States’ “Unopposed Motion to Modify Order Regarding Motions to Quash Deposition Subpoenas” (ECF No. 421). The Court **MODIFIES** its

¹ References to page numbers in this Order refer to the page numbers assigned by the Court’s CM/ECF system, rather than to the cited document’s internal pagination.

“Order Regarding Motions to Quash Deposition Subpoenas” (ECF No. 409) as follows. By the later of the following two dates:

- (a) July 22, 2022; or
- (b) Two days after the Mexican American Legislative Caucus deposes Margo Cardwell (General Counsel to the Texas House of Representatives), if such deposition ultimately occurs,

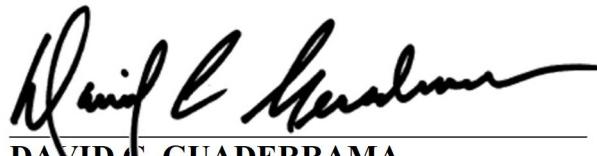
the United States shall **FILE** one of the following two documents:

- (1) A notice that the Plaintiffs no longer seek to depose Speaker Phelan; or
- (2) A supplemental response to Speaker Phelan’s Motion to Quash setting forth the circumstances that, in the United States’ view, are sufficiently exceptional to justify deposing the Speaker.

If the United States chooses Option (2), Speaker Phelan will have seven days from the date the United States files its supplemental response to file a supplemental reply. If the Court ultimately orders Speaker Phelan to appear for a deposition, that deposition may not occur fewer than seven days after the Court issues its order.

The Court’s “Order Regarding Motions to Quash Deposition Subpoenas” (ECF No. 409) shall otherwise **REMAIN UNCHANGED**.

So ORDERED and SIGNED this 12th day of July 2022.



DAVID C. GUADERRAMA
UNITED STATES DISTRICT JUDGE

And on behalf of:

Jerry E. Smith
United States Circuit Judge
U.S. Court of Appeals, Fifth Circuit

-and-

Jeffrey V. Brown
United States District Judge
Southern District of Texas